

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD PITRE,

Plaintiff,
-against-
**DEFENDANTS' PROPOSED
VOIR DIRE QUESTIONS**

THE CITY OF NEW YORK, FIRE DEPARTMENT OF
THE CITY OF NEW YORK, JAN BORODO,
individually, JOHN FIORENTINO individually, and
JOSEPH M. MASTROPIETRO, individually,¹

18-CV-5950 (DC)

Defendants.

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Defendants the City of New York (“City”), Jan Borodo, and Joseph M. Mastropietro (collectively, “Defendants”) submit the following proposed *voir dire* questions in the above-captioned matter.

1. Please give your name.
2. Where do you live? Please provide the county and neighborhood.
3. Are you employed? If yes, please describe your position. If you are retired, what was your last employment? If you are unemployed, what was your last employment?
4. Do you live with anyone else? If yes, what is that person’s or those individuals’ occupation(s)?
5. Are you married?

¹ FDNY is a non-suable entity. See *Olabopo v. Gomes*, 2016 U.S. Dist. LEXIS 134521, at *9 (E.D.N.Y. September 28, 2016) (dismissing claims against FDNY because it is a non-suable entity); *United States v. City of New York*, 683 F.Supp.2d 225, 243 (E.D.N.Y.2010) (citing *Warheit v. City of New York*, No. 02 Civ. 7345 (PAC), 2006 U.S. Dist. LEXIS 58167, 2006 WL 2381871, at 13 (S.D.N.Y. Aug. 15, 2006)) (dismissing all claims against FDNY because FDNY is not suable)

6. Do you have children? How many? What ages? If your children are adults, what are their occupations?

7. Please describe your educational background, including any training institutes, colleges, and graduate schools.

8. Have you ever practiced law, been a member of any bar, or attended any law school classes? If you have practiced law, what kind of law have you practiced?

9. What magazines or newspapers, if any, do you read?

10. What TV shows do you regularly watch?

11. What news channels do you regularly watch?

12. What podcasts do you listen to?

13. What books have you read lately?

14. Which blogs do you regularly read?

15. What radio stations do you listen to?

16. The plaintiff in this case is Mr. Edward Pitre and he is represented by Seamus Barrett of the Derek Smith Law Group, PLLC. Is anyone acquainted with the plaintiff or his attorneys?

17. The Defendants in this case are the City of New York, (“City”), Jan Borodo, and Joseph M. Mastropietro. Is anyone acquainted with the defendants?

In this case, Defendants the City of New York, (“City”), Jan Borodo, and Joseph M. Mastropietro are represented by Lauren Silver and Stephen Suhovsky and Nicholas Green. Does anyone know Ms. Silver or Mr. Suhovsky?

18. Are you or is any member of your family acquainted with any of the following persons who may be called as witnesses or mentioned at the trial of this case? These individuals include:

- (1) Dr. Charles Demarco, M.D.;
- (2) Gregory Seabrook;
- (3) Joseph Adams;
- (4) Richard Keane;
- (5) Ismael Ortiz;
- (6) Madeline Cuevas;
- (7) Dudley Placide;
- (8) Nick Varone;
- (9) Ernie Morganstern;
- (10) Bryan Selby;
- (11) Chris Geressy;
- (12) Sibeko Kwami;
- (13) Ray Krawiec;
- (14) Greg Wilton;
- (15) Mario Deangelis; and
- (16) Tom Schwabacher.

19. Do you have any opinions about the New York City Fire Department that you think would affect your ability to render an impartial verdict in this case?

20. Do you or any members of your family or any of your close friends currently work for or ever have worked for either, the City of New York or the New York City Fire Department?

21. Have you or anyone you know had any dealings with the Fire Department of the City of New York? Would those dealings affect your ability to be fair and impartial if selected as a juror in this case?

22. Have you or any members of your family or any of your close friends ever been a plaintiff or defendant in a lawsuit? If so, describe the circumstances.

23. Have you ever been a witness for a party bringing a lawsuit? If yes, please describe the case and the nature of your testimony.

24. Is any member of your family, or are any of your close friends, a lawyer? If yes, please describe your relationship to each such person and the type of law that person practices.

25. Have you ever been a juror before? In a civil or criminal case? Did the case go to verdict? Were you able to participate and deliberate freely, without undue influence from the other jurors?

26. Have you or any members of your family or any of your close friends ever filed a charge of discrimination with any government agency or lawsuit claiming that an employer engaged in discrimination or retaliation? If so, please state when and describe the circumstances.

[To be explained outside the presence of the other prospective jurors].

27. Have you ever experienced or observed discrimination in the workplace?
[To be explained outside the presence of the other prospective jurors]

28. Have you ever experienced or observed retaliation in the workplace? [To be explained outside the presence of the other prospective jurors]

29. Have you or any members of your family ever identified as having a disability or sought a reasonable accommodation from an employer?

30. Have you or any members of your family ever had a job where you supervised other employees? If so, please state when and describe the circumstances.

31. Have you ever requested and been denied time off from an employer?

32. Are you, a family member or close friend a member of a union?

33. Do you believe that the fact that the plaintiff started this lawsuit and is here today for trial means that there must be at least some merit to the plaintiff's allegations?

34. Will you be able to deliberate based solely on the evidence presented at trial and not based on any other information?

35. Will you be able to render a verdict based solely on the evidence, and not allow sympathy to affect your judgment?

36. Identify a famous person, living or dead, who you admire and please state why.

37. Is there anything which has not been asked that you want to tell the Court about and which may be a factor in your ability to be fair and impartial in this case? You may speak to me and counsel privately if you wish.

Dated: New York, New York
August 30, 2023

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By: /s/ Lauren Silver
Lauren Silver
Assistant Corporation Counsel